

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43935 of 2024

Arising Out of PS. Case No.-295 Year-2021 Thana- EKMA District- Saran

Aditya Vinayak @ Harshit Mishra S/O Devendra Mishra, R/O Village-
Chetan, P.S.- Baniyapur, Dist- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Varma, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2024 Heard Mr. Ashok Kumar Varma, the learned
counsel for the petitioner and Ms. Renu Kumari, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
31.08.2021, in connection with Session's Trial No. 18 of 2022,
arising out of Ekma P.S. Case No. 295 of 2021, FIR dated
20.07.2021, registered for the offences punishable under
Sections 147, 148, 149, 307, 302 and 379 of the Indian Penal
Code and under Section 27 of Arms Act.

3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No. 65671 of 2022, which was
rejected vide order dated 27.04.2023. Thereafter, the petitioner
again moved before this Hon'ble Court in Cr. Misc. No. 16484
of 2024, which was dismissed as withdrawn vide order dated



01.03.2024, with a liberty to move before the learned trial Court.

4. According to the prosecution case, a panchayat was going on with regard to distribution of ancestral land among the informant and his brothers, meanwhile, the petitioner fired upon Gagendra Mishra due to which he sustained fire-arm injury and co-accused Ankit @ Robin and Ashish fired upon Anand Anubhav respectively due to which they got seriously injured. It is further alleged that Gagendra Mishra later succumbed to his injury.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and due to village politics, the present occurrence has taken place and the petitioner and informant are agnates and due to some ulterior motive, the name of the petitioner has been implicated in the present case.

6. Vide order dated 21.06.2024, a report was called for with regard to the stage of the trial and report dated 19.07.2024 of the learned trial Court reveals that out of 10 chargesheeted witnesses, only two witnesses have been examined as yet.

7. Learned counsel for the petitioner further submits



that although there is specific allegation against the petitioner, but in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 31.08.2021, that is almost three years.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that from bare perusal of the FIR, it appears that there is specific and direct allegation against the petitioner and apart from that, petitioner carries three criminal antecedents other than the present one, however, he fairly admits on the basis of paragraph no. 3 of the bail petition that out of three cases, petitioner is on bail in two cases.

9. Considering the aforesaid facts and circumstances, the report of the learned trial Court as well petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge, Saran at Chapra, in connection with **Ekma P.S. Case No. 295 of 2021** subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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